

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY  
REGULAR MEETING MINUTES**

**August 11, 2005**

**I. CALL TO ORDER**

Chair Tessandore convened the meeting at 7:00 P.M.

**II. ROLL CALL**

Evangeline Anderson	Angela Brooks
Charles Booth	Robert Cook
A. J. Culver	Ethel Hanis
Claudia Hirschey	Roger Loschen
Michael Marchand	

**III. MINUTES**

**A. SPECIAL MEETING/PUBLIC HEARING - CITY OF RENTON – MOSIER II ANNEXATION (FILE NO. 2195):**

The Chair presented the minutes for the Special Meeting/Public Hearing of July 18, 2005 for the review and action by the Board members.

*Action: Charles Booth moved and Angela Brooks seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of July 18, 2005. By unanimous vote, the Board approved this record.*

**B. SPECIAL MEETING/PUBLIC HEARING - CITY OF RENTON – MOSIER II ANNEXATION (FILE NO. 2195):**

The Chair presented the minutes for the Special Meeting/Public Hearing of July 19, 2005 for the review and action by the Board members.

*Action: A. J. Culver moved and Evangeline Anderson seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of July 19, 2005. The Board voted (8 in favor) to approve this record. Roger Loschen and Claudia Hirschey abstained.*

**C. REGULAR MEETING:**

The Chair presented the minutes of the Regular Meeting of July 14, 2005 for review and action by the Board members. Roger Loschen requested a correction to the Legislative Committee Report to state that the Boundary Review Board Association is considering whether to employ a legislative consultant for 2006.

*Action: Charles Booth moved and Bob Cook seconded the motion to adopt the minutes (with corrections) of the Regular Meeting of July 14, 2005. The Board voted unanimously to approve this record.*

**IV. CURRENT BUSINESS**

**A. CITY OF RENTON - MOSIER ANNEXATION (FILE NO. 2195)**

The Chair presented the Resolution and Hearing Report for the City of Mosier II Annexation (File No. 2195) for review and final decision by the Boundary Review Board.

*Action: Ethel Hanis moved and Charles Booth seconded the motion to accept the Resolution and Hearing Report approving (with modifications) the City of Renton Mosier II Annexation. The Board voted (8 in favor) to approve this record. Roger Loschen and Claudia Hirschey abstained.*

**B. CITY OF RENTON - ANTHONE ANNEXATION (FILE NO. 2199)**

The Chair reported that the Special Meeting/Public Hearing for the Anthone Notice of Intention is slated for August 30, 2005 at Renton Technical College at 7:00 p.m. A continued hearing, if required, will take place on August 31, 2005.

**V. ADMINISTRATION**

**A. CHAIR'S REPORT**

General Business:

The Chair and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating efforts with the State Association to develop and implement positions on proposed legislation at the Legislature's 2005 Interim Session; (3) administration of the proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; and (5) preparation of the Year 2006 Budget Proposal. Committee members and staff will report on these activities.

**B. COMMITTEE REPORTS**

Budget Committee:

*Year 2006 Budget Proposal:* A.J. Culver and Blauman reported that the Year 2006 Budget Proposal (together with the Supplement Request) is under review by the Council Budget Committee.

*The Year 2005 Budget Supplement:* The Year 2005 Budget Supplement (in the amount of \$13,800) requested to support the large number of public hearings scheduled for this year has been approved by the King County Council.

Legislative Committee:

Roger Loschen, speaking in his role as the Chair of King County Board's Legislative Committee and as Co-Chair of the State Association Legislative Committee, stated that the State's House Local Government Committee remains in Interim Session. The Committee Agenda includes attention to municipal annexations and special purpose district annexations. The Association is not receiving specific reports on the matters under consideration at this Session as the organization does not currently employ a legislative consultant.

Loschen reported that, at the Association's Fall Conference, the organization's Executive Committee and Legislative Committee will consider whether to select a new legislative consultant to work with the Legislature or whether to rely on Board members and staff to assume the task in its entirety.

Loschen stated that the Association has established a Statement of Principles which defines the services provided by the boundary review boards. The principles focus upon the provision of independent public review for proposed annexations, incorporations, and similar actions. The Association then utilizes the Principles as a guide in consideration of pending legislation. The Association will advocate for legislation which supports the principles and will oppose legislation which conflicts with these principles.

Loschen stated that, customarily, the Association has engaged the services of a legislative consultant to monitor proposed legislation, to work with the Association in preparation for support of/opposition to pending legislation, and to speak with legislators concerning pending bills. The Association has consistently worked in concert with consultants because the organization has limited funds (\$3000 per year) to dedicate to the employment of a consultant.

Over the years, the Association has received excellent services from some consultants and less appropriate services from other consultants. The most effective services have generally been provided by consultants who also serve other groups which have related missions – and an absence of conflicting interests. For example, the Association has been able to successfully utilize the services of legislative consultants which also serve the American Planning Association.

Loschen reported that Association members have been non-responsive, to date, to inquiries as to whether the organization would wish to hire a consultant for the coming session. It is assumed that this topic will be on the agenda at the business meeting of the upcoming Annual Conference.

Loschen acknowledged comments from the King County Boundary Review Board members speaking to the importance of the Association determining the tasks that should be accomplished, based upon the Statement of Principles, with respect to legislation pending before the State. Once those tasks are defined, then the Association should determine whether those tasks can best be accomplished by a legislative consultant working with Association members/staff or whether those tasks can best be accomplished solely by the Association.

While Association members/staff must be – and are – involved in the process of determining action before the legislature, Association representatives have more limited access to (and perhaps more limited cachet with) the Legislature.

Based upon the Interim Session Agenda, it appears that Legislature 2006 will consider bills relating to annexations, incorporations, and other actions to create or change jurisdictional boundaries.

Loschen reported the intention to bring the perspectives of our Boundary Review Board to the Association as the Executive Committee and Legislative Committee consider options for working with Legislature 2006. ,

### **C. Executive Secretary's Report**

Fairwood Incorporation Proposal (File No. 2194): Blauman reported that she will be providing the Board with a presentation of the Governance Study Draft Report for the proposed Fairwood Incorporation at the Regular Meeting of September 12, 2005.

This Study is being prepared by an independent consultant and funded by King County. The Study is intended to provide an intensive examination of elements – including costs and benefits -- of options including incorporation, annexation, and retention of current unincorporated status.

In conjunction with Blauman's presentation, Board members will be invited to provide input concerning the Study design, structure, and content. These materials will be transmitted to the consultant for use in preparation of the final Governance Study document.

Following acceptance of the Governance Report, the Boundary Review Board can begin the formal evaluation process for the proposed incorporation (and for the accompanying Maplewood Addition Annexation). The Board can then also begin to set public review and hearing schedules for those proposed actions.

The Fairwood Incorporation Task Force is seeking hearing and decision by the Boundary Review Board in Autumn 2005 in order to meet the requirements for conducting an incorporation election in February 2006.

### **E. CORRESPONDENCE**

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

## VI NEW BUSINESS

### A. NOTICES OF INTENTION

City of Black Diamond: West Annexation Area (File No. 2203; File No 2204; File No. 2205)

The City of Black Diamond has proposed incorporation of the West Annexation Area. The West Area Annexation has been proposed as a series of three separate, but coordinated, Notices of Intention because the annexation includes three separate parcels. Each of the three separate sites is proposed under a distinct Notice of Intention, pursuant to the Boundary Review Board Rules of Practice and Procedure which require that a Notice of Intention describe no more than one parcel of land.

Together the sites comprise a total area of 350 acres. The individual sites are identified as West Section 15 (File No. 2203) at 279 acres; North Triangle (File No. 2204) at 65 acres; and NW Section 27 (File No. 2205) at nine acres. The properties are owned by Plum Creek Timber Company.

The Annexation proposal is reportedly consistent with King County Comprehensive Plan/Countywide Planning Policies for annexation. Similarly the proposed Annexation is reported to be consistent with the Black Diamond Comprehensive Plan Policies. The unincorporated area is included in the "Annexation Element" of the City of Black Diamond Comprehensive Plan and is located within the Black Diamond Potential Annexation Area.

In response to inquiries by members of the Board, Blauman reported that the individual parcels described within each Notice of Intention are designated as Urban Reserve in King County. The Urban Reserve designation sets aside urban lands for future development with planned unit developments, mixed-use communities, and similar uses. The designation also establishes support for the retention of coordinated open spaces.

In response to inquiries by members of the Board, Blauman reported that City proposes essentially parallel land use designations and zoning to that existing in King County. More specifically, the City proposes a land use designation of Mixed Use District (Permitting Residential Uses, Limited Commercial Uses); Medium Density Residential; Business Park; Light Industrial; Public Open Space. The City proposes a zoning designation of Master Planned Community; Open Space.

In addition, the City of Black Diamond has established an Urban Growth Area Agreement with King County (adopted by King County through Ordinance No. 12534). This Agreement is established for the purpose of requiring a future Development Agreement between the City of Black Diamond and The Plum Creek Timber Company that specifically establishes allowed uses, development standards, and mitigation measures based upon community interests and service needs/resources.

Currently, no specific development is proposed within the Annexation Area. However, annexation at this time will allow the City and property owners/developers to plan for future development of a Master Planned Community that would permit those residential uses, commercial uses, and industrial uses appropriate for this Urban Area. Then, future proposed development will be required to be designed, implemented and administered under the Black Diamond Urban Growth Area Development Agreement.

The Annexation Area will also be administered under the Black Diamond Open Space Protection Agreement (adjunct to the Black Diamond Urban Growth Area Agreement), which provides for preservation of more than 2500 acres of open space within and adjacent to the existing City of Black Diamond. Approximately 63.3 acres of this open space will be located within the proposed West Annexation Area. For example, plans can be established for urban-density residential uses through such programs as a transfer of development rights which direct development to suitable areas and which create significant continuous open spaces. Open space lands can be retained and/or preserved as parks, trails, and recreation areas. Management of open spaces will occur

under Development Agreement standards that address critical areas (e.g. steep topography, sensitive habitat).

As prescribed by SEPA Rules (WAC 197.11), the City of Black Diamond conducted environmental review for the West Annexation Area (including NW Section 27) with preparation of the City's Comprehensive Plan Environmental Impact Statement. Environmental review is not required for land annexation (RCW 43.21C.222). However, environmental review will be conducted for future development in accord SEPA Rules.

The City will provide (directly or by contract) all public services and facilities, including water, sewers, storm water management, and transportation systems and services. The City will also provide police service and fire service to the NW Section 27 Annexation properties. Area residents would have access to schools in the Auburn School District. King County library facilities and regional and local recreation facilities would be available to residents of the area.

In response to inquiries by members of the Board, Blauman stated that City of Black Diamond officials report that the Annexation Area (as currently vacant land) will generate limited costs for governance and service. While it is not now possible to provide a comprehensive assessment of costs for future governance and service, Blauman stated that Black Diamond officials have provided a summary report of technical analyses and fiscal studies conducted for the City which indicate sufficient resources to provide basic services to the entirety of the West Annexation Area at full development. The City will require more detailed fiscal analyses and funding plans in conjunction with a future proposal for development.

Costs for service to this area are not expected to have a significant impact on cost and adequacy of services, finances, debt structure or rights of other governmental units. If costs exceed expectations, the City may consider a variety of mitigation measures including – but not limited to – adjusting service levels or costs for services.

For example, based upon the findings provided in future studies, the City and property owners/developers may share initial costs for initial establishment of services and facilities. Upon development, property owners would be expected assume their share of the regular and special levy rate of the City. Residents and commercial users could then be expected to support a substantial portion of on going service costs.

Blauman reported that, at the present stage of the review process, File No. 2003 and File No. 2005 have been determined to be essentially legally sufficient to support annexation. Unless jurisdiction is invoked to require a Special Meeting/Public Hearing for those proposed actions, these files will close on or about August 15, 2005.

The Notice of Intention for File No. 2204 is not legally sufficient at this time. The City of Black Diamond and King County are in discussion concerning the specific boundaries established for this proposed annexation. When the urban growth boundaries and the rural area boundaries have been confirmed by King County and addressed by the City of Black Diamond, the file can be reviewed for legal sufficiency. When legal sufficiency is achieved for File No. 2004, in accord with RCW 36.93.100, the Board can complete the official review process for this Notice of Intention.

In the event that the City and the County cannot achieve agreement in this matter, either body may invoke the jurisdiction of the Board to resolve the matter as prescribed by RCW 36.93, RCW 36.70A, et seq.

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The Board members presented no additional substantive comments or questions concerning the proposed annexation.

Southwest Suburban Sewer District: Gregory Heights Annexation (File No. 2206):

The Southwest Suburban Sewer District proposes to annex approximately 74 acres of land (178 parcels) within the corporate limits of the City of Burien. The purposes of the annexation are to provide sewer services to currently developed properties and to new development. Annexation will also provide residents an opportunity to participate in elections for the Southwest Suburban Sewer District.

Board members presented no substantive comments or questions concerning the proposed annexation.

City of Redmond: Microsoft Campus Area (File No. 2207):

The City of Redmond proposes the annexation of .24 acres, known as the Microsoft Campus Annexation Area. This annexation was proposed by a Notice of Intention submitted under a Direct Petition to Annex.

The Annexation Area is located to the south and east of the City of Redmond contiguous to the City of Bellevue. The northern boundary of the Annexation Area is generally formed by the Microsoft Campus (north of a corridor of land that is presently right-of-way which could be developed as a roadway – i.e., NE 28<sup>th</sup> Street). The southern boundary is formed by the corridor of land that could be developed as a roadway – i.e., NE 28<sup>th</sup> Street. The western boundary is located east of 156<sup>th</sup> Avenue NE. The eastern boundary is generally formed by Bellevue Redmond Road.

The Redmond City Council initially accepted a petition for annexation of approximately .30 acres that included a portion of a corridor of land that is presently right-of-way which could be developed as a roadway – i.e., NE 28<sup>th</sup> Street) currently within the City of Bellevue, in order to assume responsibility for governance of the entire Microsoft Campus and the potential future access route from NE 28<sup>th</sup> Street. The City of Redmond approved the petition for annexation in November of 2004.

The City of Bellevue, by a Resolution adopted in June 2005, agreed to the transfer of .24 acres on the Microsoft Campus. The City of Bellevue, however, did not agree to transfer the remaining area comprising the corridor which could become NE 28<sup>th</sup> Street. The City of Bellevue reportedly wishes to continue to own a portion of the corridor in order to prevent future roadway development.

Responding to questions from the Board, Blauman reported that the City of Redmond has reportedly made efforts to establish an agreement with Bellevue to ensure that the NE 28<sup>th</sup> Street corridor will not become a roadway. No agreement has been achieved to date.

Therefore, the City of Redmond proposes the annexation .24 acres pursuant to RCW 35.13.340 which permits Boundary Review Board evaluation of Notice of Intention prior to final action by the jurisdiction sponsoring the proposed changes of boundaries (i.e., the City of Redmond).

The Redmond City Council has not completed the actions necessary to authorize revision of the proposed annexation boundaries from .30 acres to .24 acres.

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The Board members presented no additional substantive comments or questions concerning the proposed annexation.

## B. PUBLIC HEARING PROTOCOLS

In keeping with the interest of the Board in conducting periodic reviews of the special meeting/public hearing process, the Chair invited comment upon protocols and practices. Board members offered the following comments:

- Public hearings should be clearly described as open public meetings conducted for the purpose of receiving input from community members;
- Public hearings should be conducted – in fact and in appearance – in a manner which supports input from community members.
- Community members should be clearly informed that the Boundary Review Board must make decisions based upon defined criteria.
- Community members may be encouraged to direct their testimony to the statutory criteria; however, in order to ensure the provision of an open public forum, citizens should also be permitted to make general comments.
- A decision to permit or to contain testimony (e.g., topic limitations, time limitations) must be determined at the outset of a meeting and applied in a consistent manner throughout the hearing process.
- Community members should receive clear, easily understandable information concerning rules of ex parte communication at the outset of the public hearing. Reminders concerning communication limits should be provided at recesses and at the conclusion of the public hearing.

The Chair, Mrs. Blauman, and Robert Kaufman will review the public hearing processes to address the recommendations of the Board.

## C. PENDING FILES

Auburn	Bellevue	Covington
Federal Way	Issaquah	Kent
Kirkland	Redmond	Renton (4 files)
Ronald Sewer District	Sammamish	Tukwila
Woodinville		

## VII. ADJOURNMENT

Action: Ethel Hanis moved and Charles Booth seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:50 P.M.